

REMARKS

A. Status of the Claims

Claims 1-29, 75-77, 83-106, 161 and 162 are were pending prior to the Office Action dated March 18, 2005. Claims 4-8, 11, 30-74, 78-82, 107-160, 163, 166, 168 and 171-175 have been previously withdrawn from consideration as being drawn to a non-elected invention and/or species. Claims 164, 165, 167, 169-170, and 176-182 have been previously canceled without prejudice or disclaimer. Therefore, claims 1-3, 9, 10, 12-29, 75-77, 83-106, 161, 162, and 183-184 are currently under examination.

Applicants submitted an Amendment on July 18, 2005, in conjunction with a response to the Office Action dated March 18, 2005. A Notice of Non-Compliant Amendment dated Aug. 1, 2005, was received, indicating that the Amendment was not in proper format for failing to recite the language of withdrawn claims. Applicants herein resubmit the amendment, showing the text of all claims, including withdrawn claims. As per the Amendment submitted on July 18, 2005, Claim 161 has been amended to recite certain structural features of benzimidazoles. Support for the amendment to claim 161 can be found generally throughout the specification, such as on page 8, line 22 through page 9, line 13. Claim 162, which depends from claim 161, has been amended to recite “patient” instead of “subject” since claim 161 recites “patient.” Exemplary support for “patient” can be found on page 4, lines 8-10, and in claim 162.

As discussed in Applicants’ Amendment submitted on July 18, 2005, new claims 183-184 have been added. Written description support for the structural limitations in the new claims (as well as in amended claim 161) can be found throughout the specification, such as on page 8, line 5 through page 9, line 22. Additional detail regarding written description support is discussed in the response to the Office Action submitted by Applicants on July 18, 2005.

B. Declaration of Inventors Under 37 C.F.R. §1.131

A response to the Office Action dated March 18, 2005, was submitted by Applicants on July 18, 2005, with payment of a one-month extension. In the response, Applicants included an unexecuted declaration of inventors under 37 C.F.R. §1.131. Applicants indicated in the response to the Office Action that a fully executed declaration of the inventors pursuant to 37 C.F.R. §1.131 to antedate Camden (U.S. Patent 6,262,093) would be submitted in a supplemental response because obtaining a fully executed version of the declaration was delayed due to one of the inventors residing in India. Applicants herein submit the fully executed declaration of inventors.

Please note that although the declaration of Dr. Tapas Mukhopadhyay does not included a handwritten date, there is a printed date on the top of the signature page, as this document was transmitted to Applicants by facsimile. Applicants believe that this date is sufficient to show the date of execution of the document, as was found to be the case when a declaration of Dr. Mukhopadhyay without a handwritten date (but a facsimile date) was found to be acceptable when another declaration of inventors was submitted in response to the Office Action dated June 28, 2004.

The Examiner is invited to contact the undersigned attorney at (512) 536-5639 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MDeLaPaz', with a stylized flourish at the end.

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